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| 10/593,348 | 09/19/2006 | Hitomi Teraoka | 500-46545X00 | 9951 |
| 20457 7590 10/28/2008 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873 | | | | |
| EXAMINER | | | | |
| LEE, ANDREW CHUNG CHEUNG | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,348

Applicant(s)

TERAOKA ET AL.

Examiner

Andrew C. Lee

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date 9/19/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action in response to the Application no. 10593348 filed on 9/19/2006 is entered.

Claims 1 – 5 are hence entered and presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9/19/2006 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner, except on page 2 the reference "3GPP2 X.S0011-C cdma-2000 Wireless IP network Standard" is not considered by the examiner, since the reference does not have date, page(s), or volume-issue number(s) indicated.

Specification

4. The disclosure is objected to because of the following informalities:

With regard to the Specification, the Specification is objected to due to the improper layout for the specification of a utility application.

Appropriate correction is required.

5. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

7. Claims 1 – 5 are objected to because of the following informalities:

Regarding claim 1 – 5, the acronym “LCP”, and “NCP” should be spelled out in full text at least once in the independent claim. For instance, Point to Point Protocol (PPP). Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Abrol et al. (US 7403498 B2, prior art).

Regarding claim 1, Abrol et al. disclose a packet data serving node for connecting a communication terminal device to a public network by using Point to Point Protocol (PPP) (“packet data serving node (PDSN), and PPP”; Fig.4, col. 1, lines 26 – 40), comprising: LCP phase processing means (“A Link Control Protocol (LCP)”; Fig.4, col. 1, lines 26 – 40); NCP phase processing means (“A family of Network Control Protocols (NCPs)”; Fig.4, col. 1, lines 26 – 40); decision means for deciding a type of a reception PPP packet (LCP Configure-request packet”; col. 4, lines 3 – 12, lines 25 – 32); and control means for making said NCP phase processing means transmit an NCP

start request message destined to said communication terminal device, after an LCP phase is completed and said decision means receives an NCP start request message from said communication terminal device ("Fig. 4, elements 420, 422, 424, 426", and "IPCP Configure-Req" as an NCP start request message; Fig. 3, Fig. 4, col. 1, lines 26 – 40, col. 5, lines 24 – 30, lines 56 – 65).

Regarding claims 2, 3, and 5, Abrol et al. disclose a packet data serving node, and a communication method for connecting a communication terminal device to a public network by using Point to Point Protocol (PPP) ("packet data serving node (PDSN), and PPP"; Fig.4, col. 1, lines 26 – 40), comprising: LCP phase processing means (A Link Control Protocol (LCP)"; Fig.4, col. 1, lines 26 – 40); a plurality of NCP phase processing means ("A family of Network Control Protocols (NCPs)"; Fig.4, col. 1, lines 26 – 40); decision means for deciding a type of a reception PPP packet ("LCP Configure-request packet"; col. 4, lines 3 – 12, lines 25 – 32); and control means for selecting one of said NCP phase processing means corresponding to a layer 3 protocol used by said communication terminal device and making said selected NCP phase processing means transmit an NCP start request message destined to said communication terminal device, after an LCP phase is completed and said decision means receives an NCP start request message from said communication terminal device ("Fig. 4, elements 420, 422, 424, 426", and "IPCP Configure-Req" as an NCP start request message; Fig. 3, Fig. 4, col. 1, lines 26 – 40, col. 5, lines 24 – 30, lines 56 – 65; "element 225 network layer protocols" as layer 3 protocol; Fig. 2, col. 3, lines 65 – 67, col. 4, lines 1 – 2).

Regarding claim 4, Abrol et al. discloses a packet data serving node for connecting a communication terminal device to a public network by using Point to Point Protocol (PPP) ("packet data serving node (PDSN), and PPP"; Fig.4, col. 1, lines 26 – 40), comprising: LCP phase processing means (A Link Control Protocol (LCP)"; Fig.4, col. 1, lines 26 – 40); NCP phase processing means ("A family of Network Control Protocols (NCPs)"; Fig.4, col. 1, lines 26 – 40); decision means for deciding a type of a reception PPP packet ("LCP Configure-request packet"; col. 4, lines 3 – 12, lines 25 – 32); statistics processing means for statistically processing a type of a layer 3 protocol under PPP (Fig. 2, col. 3, lines 47 – 57, lines 65 – 67, col. 4, lines 1 – 2); and control means for selecting said NCP phase processing means using a layer 3 protocol designated by said statistics processing means, and after an LCP phase is completed, making said NCP phase processing means transmit an NCP start request message destined to said communication terminal device ("Fig. 4, elements 420, 422, 424, 426", and "IPCP Configure-Req" as an NCP start request message; Fig. 3, Fig. 4, col. 1, lines 26 – 40, col. 5, lines 24 – 30, lines 56 – 65; "element 225 network layer protocols" as layer 3 protocol; Fig. 2, col. 3, lines 65 – 67, col. 4, lines 1 – 2).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Kitada et al. (US 20030037163 A1).
- b) Bhatia et al. (6052803).

- c) Dunk (US 20040264465 A1).
- d) Simonnet et al. (US 20040081201 A1).
- e) Sasaki et al. (US 7260107 B1).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2419
<10/20/2008:1Qy09>

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2419